

REMARKS

Claims 1-3, 5-24, 26-45 and 47-63 are pending. Claims 1, 22 and 43 are independent claims. The applicant respectfully traverses the rejections made in the action mailed September 26, 2005. Reexamination is requested in light of the following remarks.

Section 103 Rejections

Claims 1, 22 and 43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipton (US Patent No. 5,835,098). The applicant respectfully traverses the rejection because claim 22 and the other independent claims include elements not disclosed or suggested by Lipton.

Independent claims 1, 22, and 43

Claim 22 recites a "means for automatically selecting a rendering intent from a plurality of rendering intents based on the color characteristics of the output device, the color characteristics being defined by the first device color profile."

The Examiner asserts that Lipton discloses "means (28, Fig.1) for automatically selecting a rendering intent based on the color characteristics of the output device, the color characteristics being defined by the first device color profile (64-68, Fig.5; col.6, lines 7-10; col. 6, lines 19-27)." The applicant respectfully traverses the rejection.

Lipton discloses that a color profile object is a device profile that is associated with a set of RGB or CMYK values in the document to describe the device to which the values are associated. 1:31-34. Lipton discloses a system for managing color profiles that provides a set of information for uniquely identifying a color profile object in a document without embedding the color profile object into the document multiple times. Col. 3, lines 24-28. Instead, a color profile object is first specified in a document only by its unique color profile identification 31. 4:50-52.

Lipton discloses a color profile identification 31 that includes a profile header 31b. 3:60-62. The profile header 31b includes various flags and fields describing the characteristics of the object to which it is associated within a document, and one such field is a rendering intent field. 4:3-6. When a document containing color profile identifications is to be subsequently displayed

or printed by a client 24, for each object in the document, the color profile manager 28 examines its color profile identification 31, and then searches a pool 32 of color profile objects 29 for the one that best matches the parameters in the color profile identification. 5:28-35; 5:66-6:5.

Lipton discloses that “[i]f the color profile object’s rendering intent does not match the rendering intent in the Profile Header 31b, then the color profile object’s rendering intent is changed to match the specified rendering intent.” 6: 22-26. If the color profile object’s rendering intent does match the rendering intent in the Profile Header, the color profile object’s rendering intent is left unchanged. The resulting color profile object is returned to the client. 6: 26-27.

Lipton does not automatically select a rendering intent. Rather, Lipton discloses that the rendering intent returned to the client must match whatever rendering intent was provided to the process in the Profile Header. 6:19-27. Thus no selection occurs. Second, the rendering intent in the Profile Header is specified by the user as one way to modify the color profile object. 3:6-9; 4:5-7. Therefore, no automatic selection occurs. Third, the use of the rendering intent provided in the Profile Header does not constitute a selection based on the color characteristics of the output device. The rendering intent specified in the Profile Header is not a color characteristic of the device. As Lipton does not disclose or suggest each element of claim 22, the applicant respectfully submits that it is in condition for allowance.

Since claim 1 and 43 were rejected under the same rationale as claim 22, applicant submits that they too are in condition for allowance.

By responding in the foregoing remarks only to particular positions taken by the examiner, the applicant does not acquiesce in other positions that have not been explicitly addressed. In addition, the applicant’s arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist.

No fee is believed to be due in connection with the filing of this amendment. In the event that any fee is due, please apply any charges or credits to deposit account 06 1050.

Applicant : Peter S. MacLeod
Serial No. : 09/653,053
Filed : September 1, 2000
Page : 14 of 14

Attorney's Docket No.: 07844-357001 / P333

Respectfully submitted,

Date: December 20, 2005

Barbara A. Benoit
Reg. No.: 54,777
for

Barbara A Benoit

Hans Troesch
Reg. No. 36,950

Customer No.: 021876
Fish & Richardson P.C.
1425 K Street, N.W., 11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

40316838.doc